

Prepare by and  
mail to:

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KOLPAK AND LERNER  
6767 N. Milwaukee  
Suite 202  
Niles, IL 60714

STATE OF ILLINOIS  
CLERK OF THE CIRCUIT COURT  
IN AND FOR THE COUNTY OF COOK  
FILED: 1997 MAY 21 10 47 AM '97  
JANICE M. HARRIS, Clerk

**DECLARATION OF  
RESTRICTIVE  
COVENANT**

This Declaration of Restrictive Covenant ("Declaration") is made this 19th day of May, 1997, by La Salle National Bank, Successor Trustee to La Salle National Trust N.A. Under a Trust Agreement, dated April 17, 1996 and known as Trust Number 120137 (sometimes hereinafter referred to as "Owner" or "Declarant"), with its principal place of business at 2223 North Cicero Avenue, Chicago, Illinois.

**RECITALS:**

WHEREAS, Declarant is the Owner and legal titleholder of a certain parcel of real estate in Cook County, Chicago, Illinois, commonly known as 1012-18 North Milwaukee Avenue, Chicago, Illinois, legally described as:

Lots 5,6,7,8, and 12 in Block 14 in Elston's Addition to Chicago in the Southwest 1/4 of Section 5, Township 39 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

- P.I.N. 17-05-312-008-0000
- 17-05-312-009-0000
- 17-05-312-010-0000
- 17-05-312-011-0000
- 17-05-312-012-0000

("Premises"); and

WHEREAS, Declarant intends that the Premises be utilized for the conversion of the existing structure located upon Lots 7 and 8 to a twelve (12) unit residential dwelling and the construction of a nine (9) unit residential dwelling upon Lots 5,6 and 12, to form a twenty-one (21) unit condominium with twenty-six (26) off-street parking spaces ("Intended Use");

WHEREAS, the present zoning for the Premises is C1-2, a Restricted Commercial District; and

WHEREAS, in order to construct the 21 unit residential condominium in accordance with Declarant's Intended Use, Declarant intends to effectuate a zoning change for the Premises, to R-5, a

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General Residence District; and

WHEREAS, The City of Chicago ("City") and the Eckhart Park Community Council, a Not For Profit Illinois Corporation ("EPCC") consent to the proposed zoning change to R-5, a General Residence District, subject to a restrictive covenant being recorded against the Premises restricting the Premises to the conversion of the existing structure located upon Lots 7 and 8 to a twelve (12) unit residential dwelling and the construction of a nine (9) unit residential dwelling upon Lots 5,6 and 12, to form a twenty-one (21) unit condominium with twenty-six (26) off-street parking spaces; and

WHEREAS, Declarant, in consideration of the City's and EPCC's consent to the R-5 zoning change, shall encumber the Premises with a restrictive covenant, the terms of which are hereinafter described.

DECLARATIONS:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and for purposes stated herein, Declarant declares as follows:

1. The recitals set forth hereinabove are fully incorporated herein by this reference.
2. All of the Premises are and shall be held, sold and conveyed subject to the covenants, conditions and restrictions herein stated, all of which shall run with the land and be binding upon all parties now or hereinafter having any right, title or interest in the Premises or in any part thereof, and upon those claiming under them, with limitations or exceptions as are herein expressed.
3. The Premises, or any portion thereof, shall be used solely for the purpose of the conversion and sale of the existing structure located upon Lots 7 and 8 to a twelve (12) unit residential dwelling and the construction and sale of a nine (9) unit residential dwelling upon Lots 5,6 and 12, to form a twenty-one (21) unit condominium with twenty-six (26) off-street parking spaces.
4. No building shall be erected on the Premises, nor shall construction begin on lots 5,6 and 12, unless the plans and specifications of any building proposed to be erected have been submitted to the EPCC and written approval there from has been secured and submitted to the City and written approval there from has been secured. Issuance of a building permit by the City for the Premises shall constitute the City's approval of the submitted plans and specifications.

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5. Breach of any of the covenants or violation of any other portions of this Declaration shall not defeat or render invalid the lien of any mortgages or trust deed made in good faith and for value as to any portion of the Premises, but all provisions of this Declaration shall be binding and effective against any owner of any portion of the Premises whose title thereto is acquired by foreclosure, trustee sale or otherwise under such mortgage or trust deed, and shall remain effective as to each portion of the Premises so acquired.

6. Enforcement of the provisions of this Declaration shall be by any proceeding at law or in equity, brought by the Declarant, its successors or assigns, the City or EPCC, against any person or persons violating or attempting to violate any covenant, restriction or other provision hereof, either to restrain or prevent such violation or attempted violation or to recover damages, or both. Failure by the Declarant, its successors or assigns, the City or EPCC to promptly enforce any covenant, restriction or other provision of this Declaration shall in no event be a bar to enforcement thereafter and shall not waive any rights by the Declarant, its successors or assigns, the City or EPCC to so enforce any covenant, restriction or other provision of this Declaration.

7. Invalidation of any covenant, restriction or other provision of this Declaration by judgement, or court order shall in no way affect any of the other provisions of this Declaration and such other provisions shall remain in full force and effect.

8. All covenants, conditions and restrictions contained in this Declaration shall run with the land and shall be binding upon all parties and all persons owning any portions of the Premises and all persons claiming under them for fifty (50) years from the date hereof, after which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years each, unless an instrument signed by the then owners of the Premises, the City and the EPCC is recorded against the Premises modifying, amending or terminating the covenants, conditions and restrictions contained herein.

IN WITNESS WHEREOF, Declarant executed this Declaration as of the day and year first written above.

SEE OTHER ATTACHED HERETO AND MADE A PART HEREOF  
La Salle National Bank, Successor Trustee  
to La Salle National Trust N.A. Under a  
Trust Agreement dated April 17, 1996 and  
known as Trust Number 120137

ATTEST:

*Nancy Williams*  
Assistant Secretary

By: *[Signature]*  
Title: ~~Senior~~ Assistant Vice President

This instrument is extended by LASSALLE NATIONAL BANK, not personally but solely as Trustee, as authorized by the trust agreement, to the extent that the trust is conferred upon the trustee, the trustee, its successors and assigns, and the City and EPCC, and the trustee, its successors and assigns, the City and EPCC, shall be bound by the terms, conditions, covenants, restrictions, and other provisions of this instrument, and the trustee, its successors and assigns, the City and EPCC, shall be bound by the terms, conditions, covenants, restrictions, and other provisions of this instrument, and the trustee, its successors and assigns, the City and EPCC, shall be bound by the terms, conditions, covenants, restrictions, and other provisions of this instrument.

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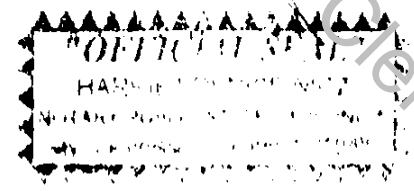
STATE OF ILLINOIS )  
 ) ss.  
COUNTY OF COOK )

I, the undersigned, a notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that ~~Carlino Bek~~ <sup>Nancy A. Carlin</sup>, Senior/Assistant Vice President of La Salle National Bank, Successor Trustee to La Salle National Trust N.A. and <sup>Nancy A. Carlin</sup>, Assistant Secretary of said bank personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Senior/Assistant Vice President and Assistant Secretary respectively, appeared before me this day in person and acknowledged that they signed and delivered said instrument as their own free and voluntary act, and as the free and voluntary act of said bank, for the uses and purposes therein set forth; and said Assistant Secretary did also then and there acknowledge that he/she, as custodian of the Corporate Seal of said Bank, did affix said Corporate Seal and said Bank to said instrument as his/her own free and voluntary act, and as the free and voluntary act of said bank for the uses and purposes therein set forth.

Given under my name and notarial seal this 17 day of <sup>May</sup> May, 1997.

*[Handwritten Signature]*  
NOTARY PUBLIC

My commission expires: \_\_\_\_\_



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